

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

AF HOLDINGS LLC,

CASE Nos. 12-cv-1445 (JNE/FLN)

Plaintiff,

v.

Judge: Hon. Joan N. Ericksen

JOHN DOE,

Magistrate Judge: Hon. Franklin L. Noel

Defendant.

**DECLARATION OF PAUL HANSMEIER IN RESPONSE TO COURT'S ORDER
GRANTING LEAVE TO FILE**

I, Paul Hansmeier, declare as follows:

1. I am an attorney of record for the Plaintiff, AF Holdings LLC in the above-captioned matter. I submit this Declaration in response to the Court's order granting leave to file. (ECF No. 51.)
2. At the September 30, 2013, evidentiary hearing held in the above-captioned matter (hereinafter the "Hearing") the Court asked the undersigned why Mr. Lutz was not in attendance at the Hearing.
3. Mr. Lutz was aware of the Hearing and made travel arrangements to attend it. By all indications, Mr. Lutz did, in fact, plan on attending the Hearing. For example, Mr. Lutz made arrangements for transportation between his residence and the Fort Lauderdale, Florida airport for his flight to Minneapolis, Minnesota.
4. Mr. Lutz also purchased a plane ticket from Fort Lauderdale, Florida to Minneapolis, MN. His booked flight, US Airways Flight 1924, departed from Fort Lauderdale at 8:35 a.m. on Sunday September 29, 2013, and landed in Charlotte, North Carolina. His connecting flight, US Airways Flight 713 departed from Charlotte, North Carolina at 11:25 a.m. and landed in Minneapolis at 1:05 p.m. on Sunday September 29, 2013.

5. Mr. Lutz was traveling with another witness to the Hearing. The witness indicated that Mr. Lutz was not on the flight from Fort Lauderdale, Florida. I have attempted to contact Mr. Lutz but have been unable to reach him as of the time of this declaration. Based on my prior experience with Mr. Lutz, including Mr. Lutz's prior in-person attendance before this Court on August 5, 2013, I believe that Mr. Lutz will be able to provide a good-faith reason for failing to make his flight to Minnesota.
6. Mr. Lutz has previously complied with orders to appear, including in *Ingenuity 13 LLC v. Doe*, No. 12-cv-8333 (C.D. Cal.); *AF Holdings LLC v. David Harris*, No. 12-cv-2144 (D.Az.); and in this case, where he appeared in person at the August 5, 2013, case management conferences.

This Declaration is submitted pursuant to 28 U.S.C. § 1746. I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 1, 2013

s/ Paul Hansmeier
Paul Hansmeier